



Minutes
Beaumont City Council
Beaumont Financing Authority
Beaumont Utility Authority
Beaumont Conservation Authority
Beaumont Successor Agency (formerly RDA)
550 E. 6th Street, Beaumont, California
Tuesday, July 7, 2015
Closed Session (5:00 p.m.)
Regular Session (6:00 p.m.)

Closed Session began at 5:06p.m.

Place: Beaumont Civic Center

Roll Call: Mayor Knight, Mayor Pro Tem Lara, Council Member Fox, Council Member Orozco, and Council Member White were present.

Public Comments regarding Closed Session - None

CLOSED SESSION

- a. Conference with Labor Negotiator – Pursuant to Government Code Section 54957.6. City Designated Representative Acting City Manager Elizabeth Gibbs-Urtiaga or her designee.**
Employee Organizations:
 - Beaumont Managers
 - Police Managers
 - Police Officers Association
 - Police Sergeants
 - Professional/Technical
 - Police Safety Support Services
 - General Unit SEIU Local 721
 - Customer Service Coordinators
- b. Conference with Legal Counsel Regarding Existing Litigation – Pursuant to Government Code Section 54956.9(d)(1).**
 - 1) Western Riverside Council of Governments v. City of Beaumont [Case Number RIC 536164] (Appeal Filed);
 - 2) Galletta v. City of Beaumont [Case Number RIC 1506985]. Discussion and possible action to retain Attorney Art Cunningham of Lewis Brisbois Bisgaard & Smith LLP as defense counsel and possible action to provide defense to named defendants Chief Frank Coe and Commander Greg Fagan.
- c. Anticipated Litigation (two potential cases) – Pursuant to Government Code Section 54956.9(d)(2).**
- d. Personnel Matters – Evaluation of Acting City Manager – Pursuant to Government Code Section 54957 (b).**

REGULAR SESSION

Regular Session began at 6:13 p.m.

Place: Beaumont Civic Center

Roll Call: Mayor Knight, Mayor Pro Tem Lara, Council Member Fox, Council Member Orozco, and Council Member White were present.

- Pledge of Allegiance: Kelsey Gromley
- Invocation: Al Christensen
- Report out from Closed Session by City Attorney: Closed session is not yet completed. They will go back into closed session after regular session.
- Approval/Adjustments to Agenda: Move item 4.h to be heard after City Treasurer Report
- Conflict of Interests Disclosure: None
- Announcements/Recognitions/Proclamations/Correspondence – Interim Police Chief introduction

1. PUBLIC COMMENT PERIOD:

- Dr. Della Condon – Comments Changes in Council, Public Perception, WRCOG
- Judy Bingham – Comments about staff and public records
- John Halliwill – Comments on podcast, taxation on gas bill, 3%UUT
- Libi Uremovic – Comments on budget, bonds, transparency/public records, hiring staff
- Sheri Bogh – Chamber of Commerce Update
- John Swain – Comments on Beaumont Municipal Code Section 2.48

2. COUNCIL REPORTS *(This is the portion of the agenda where the City Council will present updates on city actions taken, committee assignments, and training and travel)*

- a. Fox - None
- b. Knight – Update on the 4th of July Celebration, State of the Water Meeting
- c. Lara - None
- d. Orozco - None
- e. White – 4th of July Celebration

3. CITY TREASURER REPORT

- MGO Phase II
- SCO Update
- Monthly Expense Report
- Standing Committee
- Internal Controls Ad Hoc Committee

Speakers:

Libi Uremovic – Sales Tax, General Ledger Entries Hire staff

4. ACTION ITEMS/PUBLIC HEARINGS/REQUESTS

4.h - Recommendation of Van Lant and Fankhanel CPA's for Annual Audit Services

Action: Receive and file the staff report

Options:

- Accept the RFP response for VLF and respond with contract
- Modify the recommendation for engagement
- Deny acceptance and redirect the Internal Controls Review Ad Hoc Committee to continue search

Staff report was given by Nancy Carroll, Treasurer

Speakers:

Greg Fankhanel – Applicant

Council would like to have the 2013-2014 Financial Audit reviewed

Motion by Orozco, Seconded White to Accept the RFP response for VLF, respond with contract and authorize the City Attorney to make non-substantive changes to the contract.

AYES: Fox, Knight, Lara, Orozco, White
NOES: None

ABSENT: None
ABSTAIN: None

a. Hearing on Costs of Nuisance Abatement 540 Edgar Avenue

Actions: Receive the Staff Report and Hold a Public Hearing
Options: Adopt, Modify or Deny the resolution to accept the Report of Costs of Nuisance Abatement for 540 Edgar Avenue under section 8.32.440

Staff report was given by Mercedes McFayden

Speakers:

Libi Uremovic - Opposed
Gail Wallis – Property owner

Motion by White, Seconded by Orozco to continue to the regular meeting of July 21, 2015.

AYES: Fox, Knight, Lara, Orozco, White
NOES: None

ABSENT: None
ABSTAIN: None

b. Ordinance – Procurement of Professional Services

Actions: Receive the Staff Report and Hold a Public Hearing
Options: Approve, Modify, or Deny the 1st reading of the Ordinance for Procurement and Professional Services as presented

Staff report was given by Lena Wade, Deputy City Attorney

Open Public Hearing 7:08 p.m.

Speakers:

John Swain – Questions on limits

Closed Public Hearing 7:13 p.m.

Motion by Orozco, Seconded by Lara to approve the first reading of the Ordinance for Procurement of Professional Services as presented.

AYES: Fox, Knight, Lara, Orozco, White
NOES: None

ABSENT: None
ABSTAIN: None

c. Ordinance – Approving Amendments to the City of Beaumont Municipal Code Pertaining to City Council Meeting

Actions: Receive the Staff Report and Hold a Public Hearing
Options: Approve, Modify, or Deny the 1st reading of the Ordinance Approving Amendments to the City of Beaumont Municipal Code Pertaining to City Council Meeting

Staff report was given by Lena Wade, Deputy City Attorney

Open Public Hearing 7:18p.m.

No Speakers

Closed Public Hearing 7:18 p.m.

Motion by Orozco, Seconded by Lara to approve the first reading of the Ordinance for Approving Amendments to the City of Beaumont Municipal Code Pertaining to City Council Meetings with amendments to Item #6 on page 2.

AYES: Fox, Knight, Lara, Orozco, White
NOES: None

ABSENT: None
ABSTAIN: None

d. Short Range Transit Plan FY 2015-16

Action: Receive Staff Report and Hold a Public Hearing

Options: Approve, Modify, or Deny the SRTP for FY 2015-16 as presented

Staff report was given by Elizabeth Gibbs – Urtiaga, Acting City Manager

Open Public Hearing 7:38 p.m.

No Speakers

Motion by Orozco, Seconded by White to continue the Public Hearing to the regular meeting of August 4, 2015.

AYES: Fox, Knight, Lara, Orozco, White
NOES: None

ABSENT: None
ABSTAIN: None

e. Resolution – Sewer Standby Fees

Actions: Open a Public Hearing

Options: Continue the Public Hearing to the Regular Meeting of July 21, 2015

Open Public Hearing 7:48 p.m.

Staff report was given by Elizabeth Gibbs – Urtiaga

Judy Bingham – Opposed

Closed Public Hearing 8:02 p.m.

John Swain – Comments about property

Motion by White, Seconded by Orozco to continue to the regular meeting of July 21, 2015.

AYES: Fox, Knight, Lara, Orozco, White
NOES: None

ABSENT: None
ABSTAIN: None

f. Review of Federal Lobbying Services – David Turch and Associates

Actions: Receive Staff Report

Options:

- Continue, modify or terminate existing contract with David Turch and Associates for Federal Lobbying Services
- Direct staff to solicit bids from qualified Federal lobbying firms; or
- Direct staff to terminate Federal lobbying activities.

Staff report was given by Kelsey Gormley, Management Analyst

David Turch - Consultant

Motion by White to take one year off from the Federal Lobbying contract.

Request for clarification from Orozco. Before allowing staff the opportunity to negotiate terms now. I would like to give them the opportunity to renegotiate.

Mayor Knight – Mr. White made a motion. Is there a second?

Lara – I'll second

Martinez –That's a motion to take a year off. Is that to terminate?

White - It's a month to month contract. I believe that would be terminating the contract.

Gibbs-Urtiaga – There is a termination clause.

White - My motion would be to terminate the contract and look at Federal Lobbying in a year.

AYES: Lara, White

ABSENT: None

NOES: Fox, Knight, Orozco

ABSTAIN: None

Motion by Orozco to direct staff to go back and work with David Turch and Associates to re-evaluate the current contract and to come back to Council after the budget.

Gibbs-Urtiaga – Can I recommend the first meeting in September?

Orozco - Okay

White – I need clarification. You are not considering at all the RFP process for this lobbying?

Orozco – No. I did.

Gibbs-Urtiaga – I have a motion by Council Member Orozco to direct staff to negotiate a dollar amount and contract with David Turch and Associates, to re-evaluate the contract and come back to the first meeting in September.

White – Mrs. Wade, Can I ask you a point of order question? I'm trying to follow the Rosenberg Rules here. I believe that it's possible that there are enough votes up here to go with an RFP. He's made a motion. Can I make a motion to either amend his motion, table his motion? How can give the Council an opportunity to vote on an RFP Process?

Orozco – I would like to modify motion on the current item we are working on here. Continue the item to September to allow staff to give options for month-to-month re-negotiations with our current consultant as well as an option for RFP

White – I don't understand. It's an or motion?

Wade – What he is saying, I believe, is that he is asking staff to continue this item to the September meeting. Have the staff come back to you regarding either or both options.

Orozco – So there will be both options at that point.

Gibbs-Urtiaga – I need clarification

Orozco – Okay. Let me say it again. Continue the item to September to allow staff to give options for month to month re-negotiations and also an option for an RFP as well as an option to direct staff to terminate the contract.

White – I'm really confused

Orozco – so there are three options. The same as we had before.

White – Here's my question to you

Orozco - Continue the item to September to allow staff to give options for month to month to re-negotiation the contract and the RFP

White - Are you saying that we will give staff the opportunity to negotiate a lower price or a lower contract with Mr. Turch and associates and then also consider an RFP. So we are going to negotiate to get a lower price with him understanding that there is a chance that after all the negotiations that at the next meeting we decide to go to RFP.

Orozco – Well we may not

White – That's the clarification I am looking for. Is that your recommendation?

Orozco – When staff brings it back to us, hopefully in September, we can re-evaluate that.

White – So Mr. Turch is going to negotiate not knowing that even if he comes up with a good price, that we may still go to RFP?

Orozco – yes

White – Thank you for the clarification

Knight - Do we have a second?

Mayor Knight made a **second** on the motion.

AYES: Knight, Orozco
NOES: Fox, Lara, White

ABSENT: None
ABSTAIN: None

Motion by Fox, Seconded by White allow the process to go to RFP right away and in the meantime continue with a month-to-month services until that RFP is approved.

AYES: Fox, Knight, Lara, Orozco, White
NOES: None

ABSENT: None
ABSTAIN: None

g. Review of State Lobbying Services –Gonsalves and Sons

Actions: Receive staff report.

Options:

- Continue, modify or terminate existing contract with Gonsalves and Sons; or
- Direct staff to solicit bids from qualified State lobbying firms; or
- Direct staff to terminate State lobbying activities.

Staff report was given by Kelsey Gormley, Management Analyst

Motion by White, **Seconded** by Fox to continue with a month to month contract while the City prepares a RFP.

AYES: Fox, Knight, Lara, Orozco, White
NOES: None

ABSENT: None
ABSTAIN: None

h. Recommendation of Van Lant and Fankhanel CPA's for Annual Audit Services

Action: Receive and file the staff report

Options:

- Accept the RFP response for VLF and respond with contract
- Modify the recommendation for engagement
- Deny acceptance and redirect the Internal Controls Review Ad Hoc Committee to continue search

This item heard and considered before item 4.a

i. Beaumont Basin Watermaster Invoice for Annual Report and Equipment

Actions: Receive Staff report

Options:

- Approve, Modify or Deny the attached Invoice.
- Continue the item for additional discussion.

Staff report was given by Kyle Warsinski, Community Development Analyst

Motion by Orozco, **Seconded** by White to approve the payment of the invoice **as** presented.

AYES: Fox, Knight, Lara, Orozco, White
NOES: None

ABSENT: None
ABSTAIN: None

j. Update - Draft NPDES Permit No. CA01053736

Action: Receive and File

Staff report was given by Kyle Warsinski, Community Development Analyst

Speakers:
Mike

Libi Uremovic – opposed

5. CITY MANAGER REPORT

- a. **Reports on Department Activities**
 - 1) Projects
 - 2) Cost of Issuance – Improvement Area 16
- b. **Calendar of Events**
 - 1) Community Outlook

6. CITY CLERK REPORT

Update on

- Website Updates
- CFD 93-1 Public Records Request
- Bond Accounts requested by Libi Uremovic
- Assistance from Paralegal from City Attorney Office on Public Records Requests
- Status of Public Records Request for emails
- City Clerk out on July 21, 2015

7. CITY ATTORNEY REPORT

- Deferred to the next City Council Meeting

8. CONSENT CALENDAR (Items on the consent calendar are taken as one action item unless an item is pulled for further discussion here or at the end of action items)

- a) Approval of all Ordinances & Resolutions to be read by title only & publish by summary
- b) Approval of the Amended Minutes of May 5, 2015
- c) Approval of the Minutes of June 15, 2015
- d) Approval of the Minutes of June 16, 2015
- e) Ratification of Warrants of July 7, 2015
- f) Appointment of Board of Administrative Appeals - Avi Hu Greene
- g) Approval of Nuisance Abatement Contractor – CD Property Service
- h) Adopt Resolution Ordering the Collection of Delinquent Sewage and Sanitation Fees and Directing the County Auditor to Collect Such Fees on the Tax Roll
- i) Adopt Resolution Ordering the Collection of Nuisance and Building Abatement Charges and Directing the County Auditor to Collect Such Fees on the Tax Roll
- j) Adopt Resolution Ordering the Collection of Weed Abatement Charges and Directing the County Auditor to Collect Such Fees on the Tax Roll
- k) Adopt Resolution Approving the Strictly Race Neutral Annual Anticipated DBE Participated Level (AADPL) of 13% for Federal Fiscal Year (FFY) 2015/16
- l) Adopt Resolution Levying the Special Tax in Community Facilities District No. 93-1 and Directing the County Auditor to Collect on the Tax Rolls
- m) Approval of Agreement with Albert A. Webb and Associates – Special District Administration
- n) Approval of Public Safety Memorial Golf Tournament
- o) Approval of the Investment Policy for the 2015-2016 Fiscal Year
- p) Approval of the Task Order in the amount of \$9,469 for the UV Validation at the Wastewater Treatment Plant for Title 22 – second bank

Options: Approval of the Consent Calendar as presented; or 2) pull items for further discussion, approval, continuation, or denial.

Council Member White requested that items K, O, and P be pulled for further discussion

Council Member Lara requested that Item G be pulled for further discussion

Council Member Orozco requested that item M be pulled for further discussion

Motion by White, Seconded by Lara to approve items a, b, c, d, e, f, h, i, j, l, m, and n **as presented.**

AYES:	Fox, Knight, Lara, Orozco, White	ABSENT:	None
NOES:	None	ABSTAIN:	None

Rebecca Deming answered questions on item 8.g

Motion by Lara, Seconded by White to approve as presented.

AYES:	Fox, Knight, Lara, Orozco, White	ABSENT:	None
NOES:	None	ABSTAIN:	None

Staff answered questions on items 8.k, m, o, and p

Speakers:

Libi Uremovic – Item 8.m and 8.p

Motion by White, Seconded by Lara to approve items 8.k, m, o, and p with modification to item 8.o to clarify the Finance Committee in the Investment Policy.

AYES:	Fox, Knight, Lara, Orozco, White	ABSENT:	None
NOES:	None	ABSTAIN:	None

Report out of Closed Session: 10:37 p.m.

- a. Conference with Labor Negotiator – Pursuant to Government Code Section 54957.6. City Designated Representative Acting City Manager Elizabeth Gibbs-Urtiaga or her designee. – **No action taken**
- b. Conference with Legal Counsel Regarding Existing Litigation – Pursuant to Government Code Section 54956.9(d)(1).
 - 1) Western Riverside Council of Governments v. City of Beaumont [Case Number RIC 536164] (Appeal Filed); **No Action taken**
 - 2) Galletta v. City of Beaumont [Case Number RIC 1506985]. Discussion and possible action to **retain** Attorney Art Cunningham of Lewis Brisbois Bisgaard & Smith LLP as defense counsel and possible action to provide defense to named defendants Chief Frank Coe and Commander Greg Fagan.

Motion by White, Seconded by Lara to retain Attorney Art Cunningham of Lewis Brisbois Bisgaard & Smith LLP.

AYES:	Fox, Knight, Lara, Orozco, White	ABSENT:	None
NOES:	None	ABSTAIN:	None

- c. Anticipated Litigation (two potential **cases**) – Pursuant to Government Code Section 54956.9(d)(2).

Motion by Lara, Seconded by Orozco to approve a settlement for the River Watch matter in the sum of \$25,000.

AYES:	Fox, Knight, Lara, Orozco, White	ABSENT:	None
NOES:	None	ABSTAIN:	None

- d. Personnel Matters – Evaluation of Acting City Manager – Pursuant to Government Code Section 54957 (b). **No action taken.**

Adjournment of the City Council Meeting at 10:40 p.m.

Respectfully Submitted,
Office of the City Clerk